

B.R.O.W.N. .... /

Mr. Brian L. Brown... Fed. No. 05937-010 ,.,

P.O. Box 33 ... United States Penitentiary ...

Terre Haute, Indiana 47808-0033 .....

[ June 21, 2021 ]

The United States District Court  
For The District Of Massachusetts  
Office Of The Clerk  
One Courthouse Way, Suite 2300  
Boston, Ma 02210

R.E: Former Action Case, Brown v. Carolyn Sabol; No:

Chief Clerk;

Greetings from the Federal Correctional Complex  
and United States Penitentiary. I hope this letter finds you  
in good health, In the above NUNC Pro Tunc, is aimed to permit  
the Bureau Of Prisons, to use a "case by case", exception, Pursuant  
to Bruce v. Samuels, 577 US. \_\_\_\_; 193 L.Ed2d 496; 135 S.Ct. 1759  
( 2016). Notice the filing is using the Federal Mail Box Rule  
of [ Morales-Rivera v. United States, 184 F.3d 109, 110-111  
( 1st Cir. 1999 ).

Respectfully Submitted

Brian L. Brown, fed. No. 05937-010

U.S. DISTRICT COURT  
DISTRICT OF MASS.

2021 JUL -9 AM 11:19

FILED  
IN CLERKS OFFICE

FILED  
IN CLERKS OFFICE

Mr. Brian L. Brown ... Fed. No. 05937-010 2021 JUL -9 AM 11:19  
P.O. Box 33 ... United States Penitentiary ...  
Terre Haute, Indiana 47808-0033 ... U.S. DISTRICT COURT  
DISTRICT OF MASS.  
In Re Pro Se/ Federal Prisoner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

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BRIAN L. BROWN )  
Petitioner / Plaintiff, )  
VS. ) Case No. [ ]  
CAROLYN A. SABOL )

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PETITION FOR NUNC PRO TUNC  
Pursuant To Rule 60 (b)(5) Fed.R.Civ.P.

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COMES NOW, Brian L. Brown, In re Pro se, and Federal  
Prisoner, move this Court, for NUNC PRO TUNC, consideration for  
[Con]secutive rather than simultaneous collection of fees.  
Aid in Petitioner, to pay fees without, blocking ability  
to care for himself, as follows;

Nunc Pro Tunc Consideration

Page 2.

I. Introcuctions (1)

I. PARTIES

[ The Petitioner ]

1. Petitioner is Brian L. Brown, federal Number 05937-010 and is housed currently at the Federal Correctional Complex and United States Penitentiary, located in Terre Haute, in Indiana, -see- ( "Cover Page", and "Certificate Of Service" ).

2. The Respondent will be, The United States Attorney Office on behalf of Former Warden Carolyn A. Sabol, found at the Office of The United States Attorney, District of Massachusetts, address of One Courthouse Way, Boston, Ma, 02210.

II. CAUSE OF ACTION

3. On the [ ] date of [ ], 20[ ], the Petitioner began action in the District Court, Pursuant to 28 U.S.C. §§ [ ].

4. Relevant to that date, a petition for filing 'Informa Pauperis', was filed in the action. Pursuant to 28 U.S.C. §§ 1915(e-g). That Informa Pauperis was given in a limited capacity resulting in Brown owing this Court.

Nunc Pro Tunc Consideration

Page 3.

## II. Cause Of Action (2)

Because of the discretion of the United States District Court Judge, within the Western District Of Arkansas. Brown upon conviction, was sentenced to a fine he is unable to pay, combined with the nature of his crime, and the inability to place Sex Offenders on yards, until 2008, and then factor the management practices of those prisons, Brown was unable to work any employment, least he have his entire check taken away, and which left Brown unable to pay the costs of this court, nor his hygiene, nor medical expenses, and would be poor, and create a Unconstitutional condition by the management practice.

Specifically, while Brown was 'traveling ' without a yard that he could program, within the BOP. The BOP continued to ship Brown to other Institutions, that gangs were allowed to control, as a result Sex Offenders, were not permitted on those yards, which left Brown in a 'SHU Only', living condition.

Then when Brown was being harassed by Staff, or was unable to get Medical Treatment, he tried to file suit in the Courts, seeking assistance. This resulted for better or worse, a Prisoner who needed Copies, Postage, and Envelopes, to comply with the Court Orders. Such as it was created a issue. The Institutions would not permit, free postage, as perscribed in the Code Of Federal Regulations, and most if not all copies were also charged

Nunc Pro Tunc Consideration

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## II. Cause Of Action (3)

to the petitioner, as well as before the 2010 onset of the Computer Law Libraries, most of the Cases had to be ordered from the Law Libraries, within the institutions, which required copies which in turn they charged to Brown. As a direct result of this and Brown's Belief he was attempting to stop the abuse of the BOP, and in some cases the Courts helped, some they did not.

Regardless Brown acculilated a debt. And as such remains today, the debt is in nearly every circuit including the D.C. Circuit, as well as the Court of Federal Claims, several Courts of Appeals, and more. As a result Brown again has developed a Debt.

Brown, has been imprisoned for nearly 20 years, and more, as a result of his conviction. And until corrected has a Life Sentence. The only means for payment of his debts, is to work in the Prison. However inorder to work he must remove hisself from the FRP Refusal List. However to do this Brown must face the fact if 'any' money is placed on his account, it will display beyong \$6.00, and the BOP ( who Brown owes Legal Copies, and Postage for these Free Items, but was charged ), as well as the Courts aforementioned.

NUNC PRO TUNC CONSIDERATION

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IV. Certificate Of Service

IV. CERTIFICATE AND DECLARATION OF SERVICE

I Brian L. Brown hereby state the above and foregoing was placed in the United States Postal Service, Postage pre-paid, to the address below by placing the article to be mailed in the hands of a Federal Prison Employee who inspected the article to be mailed, performed several security checks to the article to be mailed, then delivered the article to a U.S. Postal Employee, on or about the [ 21st ] date of [ June ], 20[21] and a copy was generated to the following. Pursuant to the Federal Mail Box Rule of Houston v. Lack 487 US. 266 ( 1988 ). A copy was attempted to be generated to the following.

The United States Attorney Office For The [ District Of Massachusetts ], Addressed at: [ One Courthouse Way, Suite : United States Attorney Office ], City And State [ Boston ]. [ Massachusetts ],  
02210

Respectfully Mailed to;

Brian L. Brown

Fed. No. 05937-010

Nunc Pro Tunc Consideration

Page 7.

III Requested (1)

This will permit Brown, to remain employed, and maintain any hygiene issues, and other needs. However Brown is aware this is a 'one time' issue. Should he accumulate any more debts, they will run concurrent to this agreement. Including any BOP fines or new Court issues

WHEREFORE for the above and foregoing reasons, Brown moves this Court, in concert with other Courts, to permit all court fees, to be ran consecutive to each other, from the latest date upto the date of this filing. And that that is condigent upon all other Courts accepting the same offer. If One Court disagrees, then this action will not happen. If all Courts agree, then payment will be in the amount of \$25.00 per month, exclusively for all Court fees, fines, and costs, with the BOP's quarterly payment undisturbed. And does not include anything filed beyond this action and anyother relief that this Court deems just in this matter, and the leave to do so.

Entered this [ 21st ] date of [ June ] 20[ 21 ].

Respectfully Submitted;

Brian L. Brown

Fed. No. 05937-010

P.O. Box 33

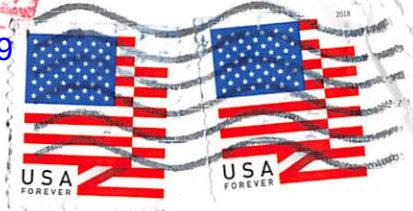
United States Penitentiary

Terre Haute, Indiana 47808-0033

Inre Pro Se / federal Prisoner

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Mr. Brian L. Brown

Fed. No. 05937-010

P.O. Box 33

United States Penitentiary

Terre Haute, Indiana 47808-0033

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SPECIAL

LEGAL

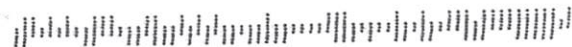
MAIL

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The United States District Court  
District Of Massachusetts  
Office Of Clerk Of Court  
One Courthouse Way, Suite 2300  
Boston, Ma 02210

02210-302599





INMATE  
IDENTIFICATION  
CONFIRMED

FEDERAL CORRECTIONAL COMPLEX  
4200 BUREAU ROAD SOUTH  
TERRE HAUTE, IN 47802  
DATE: \_\_\_\_\_

RECEIVED  
JUL 05 2021  
BY: \_\_\_\_\_

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence to be forwarded to another individual, please return to the above listed address.